Supreme Court E-Library

4) To pay the successor of the Workmen's Compensation Commission the sum of Sixty-One Pesos (₱61.00) as administrative fee.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, De Castro, and *Melencio Herrera, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-43271. March 30, 1979]

FELIZARDO MARASIGAN, *petitioner, vs.* **THE WORKMEN'S COMPENSATION COMMISSION and BLUE BAR COCONUT PHILIPPINES, INC.,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; SUPERVENING ILLNESS PRESUMED COMPENSABLE.**— Where the Compensation Rating Medical Officer found that claimant has suffered from temporary total disability for labor for 183 days by PTB minimal which supervened during his employment a presumption arises that the claim is compensable. Assuming that the employee's illness be ruled out as an occupational disease or that causal link between the nature of his employment and his ailment has been insufficiently shown, nevertheless, it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act, that the employee's illness which supervened during his employment either arose out of, or at least aggravated by said employment and with this presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation.

Supreme Court E-Library

2. ID.; ID.; CLAIM FOR COMPENSATION; EFFECT OF FAILURE TO CONTROVERT CLAIM ON TIME. — When an employer does not controvert the claim for compensation within the period provided by law, it loses its right to controvert the employee's right to compensation, except on jurisdictional grounds.

3. ID.; ID.; MEDICAL EXPENSES; CLAIMANT ENTITLED TO REIMBURSEMENT OF MEDICAL EXPENSES. — In addition to the compensation benefits granted the employee, he is entitled to reimbursement of medical expenses supported by proper receipts.

APPEARANCES OF COUNSEL

Francisco T. Bueser for petitioner.
Juan B. Balarmino for private respondent.

D E C I S I O N

FERNANDEZ, *J.*:

This is a petition to review the decision of the Workmen's Compensation Commission in RO5-WC Case No. 20102 entitled "F*elizardo Marasigan,* Claimant, *versus, Blue Bar Coconut Philippines, Inc.,* Respondent" reversing the award issued by the Unit Chief of Regional Office No. 5 and dismissing the claim for lack of merit.[1]

On June 18, 1973, Felizardo Marasigan filed a notice of injury or sickness with the Workmen's Compensation Unit at Regional Office No. 5, San Pablo City, docketed as RO5-WC Case No. A-20102 claiming compensation benefits arising from the claimant's sickness which allegedly supervened during his employment with the respondent Blue Bar Coconut Philippines, Inc.

The Blue Bar Coconut Philippines, Inc. did not controvert the claim for compensation within the period provided by law.[2]

---

[1] Annex "G", *Rollo*, pp 25-26.

[2] Annex "A", *Rollo*, p. 9.

Supreme Court E-Library

After hearing, the Acting Chief of Unit, Regional No. 5, issued an award dated October 25, 1974, the dispositive part which reads:

"AWARD, therefore, is entered in favor of the claimant of the aforesaid compensation benefits and the respondent is directed:

"1. To pay to the claimant, thru this Unit, the sum of _____ representing reimbursement of medical expenses incurred and to provide him/her with such services, appliances and supplies as the nature of his/her disability and the process of his/her recovery may require; (Sec. 13).

"2. To pay to the claimant, thru this Unit, the sum of SIX HUNDRED FIFTY EIGHT PESOS AND EIGHTY CENTAVOS (₱658.80) as compensation in lump sum as it is now due and demandable plus a weekly compensation of _____ beginning _____ and weekly thereafter until his/her disability was ceased provided that the total amount of compensation shall not exceed ₱6,000.00 including the first lump sum payment; (Sec. 14)

"3. To pay further to the claimant, thru thus Unit, the sum of FIVE HUNDRED TWENTY FOUR PESOS AND SIXTEEN CENTAVOS (524.16) as compensation under Sec. 17 of the Act;

"4. To pay attorney's fees to Atty. Francisco Bueser in the sum of Fifty Nine Pesos (₱59.15) & Fifteen centavos, representing 5% of the total compensation due. (Sec. 31)"

"5. To pay to this office the sum of ₱12.00 as fee plus ₱100.00 compensation to be paid. (See. 55)"[3]

The record shows that Felizardo Marasigan was in the employ of Blue Bar Coconut Philippines, Inc. as helper mechanic. While thus employed, the claimant suffered PTB minimal, which was either aggravated by or the result of the nature of his employment with the respondent. The claimant was referred to the Compensation Rating Medical Officer of the Workmen's Compensation Unit at Regional Office No. 5 for physical examination and evaluation of his disability. On October 21, 1974, Dr. Remedios B. Sanchez, Compensation Rating Medical Officer, submitted a report which stated that the claimant had

---

[3] *Idem., Rollo,* p. 10.

Supreme Court E-Library

suffered temporary total disability for labor from December 13, 1972 to June 13, 1973 or 183 days equivalent to 26 1/7 weeks; and that the claimant had also suffered permanent partial disability at 12% NSD.

The Acting Chief of Unit, Regional Office No. 5, issued the award to Felizardo Marasigan on the following considerations:

"Under the Workmen's Compensation Act, as amended, the *following benefits should be extended to the claimant:*

1. Under Sec. 13 x x x the Act, as amended, claimant is entitled to reimbursement of medical expenses incurred in the amount of _____ *and to such services,* appliances and supplies as the nature of his/her disability and the process of his/her recovery may require.

2. Under Sec. 14 of the same Act, he/she is entitled to 60% of his/her average weekly wage for the period he/she was incapacitated for labor from December 13, 1972 to June 13, 1973 or 183 days or 26 1/7 weeks. Sixty per centum of his/her average weekly wage which was ₱42.00 equals ₱25.20 and for 26 1/7 weeks, he/she is entitled to (a total of) *₱658.80 (weekly) compensation of* _____ *beginning* _____ and weekly thereafter until his/her disability has ceased provided that the total amount of compensation shall not exceed ₱6,000.00, including the first lump sum payment;

3. Under Sec. 17 of the same Act, he/she is entitled to compensation for permanent partial disability equivalent to 50% of his/her average weekly wage for the period of 24.96 weeks. Fifty per centum of his/her average weekly wage which was *₱42.00* equals *₱21.00* and for 24.96 weeks, he/she is entitled to ₱524.16."[4]

The Blue Bar Coconut Philippines, Inc. appealed to the Workmen's Compensation Commission and contended that:

"The claimant is not entitled to compensation benefit as he voluntarily *stopped working* upon attaining normal retirement age;" and

"Assuming that he has a cause of action against the respondent, he miserably failed to prove the causal connection between his employment and his alleged illness."[5]

---

[4] Annex "A", *Rollo*, pp. 9-10.

[5] *Rollo*, p. 25.

Supreme Court E-Library

The Workmen's Compensation Commission found that on the day the claimant, petitioner herein, stopped working, he was not suffering from any disabling illness and that his employment was merely terminated because he was already sixty (60) years old and his separation from his work was in accordance with the collective bargaining agreement.[6]

It is a fact, however, that the Compensation Rating Medical Officer of Regional Office No. 5 at San Pablo City found on October 21, 1974 that the claimant had suffered temporary total disability for labor for 183 days by reason of PTB minimal which supervened during the employment of the petitioner. There arises a presumption that the claim is compensable.[7]

In *Simon vs. Republic of the Philippines (Supreme Court)*[8] this Court said:

"x x x In a very recent case penned by Mr. Justice Claudio Teehankee, this Court held: 'x x x assuming the employee's illness may be ruled out as an occupational disease or that the causal link between the nature of his employment and his ailment has been insufficiently shown, nevertheless, it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act, that the employee's illness which supervened during his employment either arose out of, or at least aggravated by said employment and with this presumption, the burden of proofs shifts to the employer and the employee is relieved of the burden to show causation. In the case before Us, the respondent has failed to discharge that burden. x x x"

Moreover, the respondent, Blue Bar Coconut Philippines, Inc., did not controvert the claim for compensation within the period provided by law. Hence, said respondent has lost its right to controvert the right to compensation of petitioner except on jurisdictional grounds.

---

[6] *Rollo*, p. 26.

[7] Section 44, Workmen's Compensation Act, as amended.

[8] 71 SCRA 643, 646.

Supreme Court E-Library

The petitioner, in addition to the compensation benefits granted him, is entitled to reimbursement of medical expenses supported by proper receipts.

WHEREFORE, the decision appealed from is hereby set aside and the respondent, Blue Bar Coconut Philippines, Inc., *is ordered:*

1) To pay the claimant the sum of Six Hundred Fifty-Eight pesos and Eighty-Centavos (₱658.80) as compensation benefit;

2) To pay the claimant the sum of Five Hundred Twenty-Four Pesos and Sixteen Centavos (₱524.16) as compensation under Section 17 of the Workmen's Compensation Act;

3) To pay the petitioner attorney's fees in the amount of One Hundred Twenty Pesos (₱120.00);

4) To reimburse the petitioner medical expenses supported by proper receipts; and

5) To pay the successor of the Workmen's Compensation Commission the amount of Fifty-One Pesos (₱51.00) as administrative fees.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, De Castro, and *Melencio Herrera, JJ.*, concur.